

**ASSEMBLY BILL**

**No. 1189**

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**Introduced by Assembly Member Mendoza**

February 18, 2011

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An act to amend Sections 15004, 15013, and 15014 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1189, as introduced, Mendoza. Recycling: batteries.

Existing law creates the Department of Resources Recycling and Recovery in the Natural Resources Agency, which succeeds to the duties and authority of the former California Integrated Waste Management Board. Existing law, the Dry Cell Battery Management Act, imposes requirements upon the sale of rechargeable consumer products containing rechargeable batteries and imposes certain labeling requirements upon rechargeable batteries and products containing these batteries.

This bill would make conforming changes with regard to the authority of the department in administering the act, and make technical, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 15004 of the Public Resources Code is  
2     amended to read:

1 15004. ~~“Board” means the California Integrated Waste~~  
2 ~~Management Board.~~ *“Department” means the Department of*  
3 *Resources Recycling and Recovery.*

4 SEC. 2. Section 15013 of the Public Resources Code is  
5 amended to read:

6 15013. (a) ~~On and after January 1, 1995, no~~ A person shall *not*  
7 sell or offer for sale in this state ~~any~~ a rechargeable consumer  
8 product unless the product meets all of the following requirements:

9 (1) The rechargeable battery is easily removable from the  
10 rechargeable consumer product or is contained in a battery pack  
11 that is easily removable from; the product.

12 (2) The rechargeable consumer product and the rechargeable  
13 battery are labeled in accordance with subdivision (b).

14 (3) The rechargeable battery, battery pack, or rechargeable  
15 consumer product, if the product has a nonremovable rechargeable  
16 battery, has a brand name affixed to it.

17 (4) The instruction manual for the rechargeable consumer  
18 product includes information regarding the proper recycling or  
19 disposal of the used rechargeable battery.

20 (b) ~~On and after July 1, 1994, each~~ A rechargeable battery,  
21 consumer product package containing a rechargeable battery or  
22 battery pack, and the package for each such item, which is sold or  
23 offered for sale in this state, shall meet all of the following  
24 requirements:

25 (1) Be labeled in a conspicuous manner that is visible to  
26 consumers.

27 (2) Include the chemical name or the standard abbreviation for  
28 the chemical composition of the battery or battery pack.

29 (3) Contain the following statement:

30 (A) On each easily removable battery or easily removable  
31 battery pack: “NICKEL-CADMIUM BATTERY. MUST BE  
32 RECYCLED OR DISPOSED OF PROPERLY.” OR “SEALED  
33 LEAD BATTERY. MUST BE RECYCLED OR DISPOSED OF  
34 PROPERLY.”

35 (B) On each rechargeable consumer product, granted an  
36 exemption pursuant to Section 15014, without an easily removable  
37 battery or battery pack: “CONTAINS NICKEL-CADMIUM  
38 BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED  
39 OF PROPERLY.” OR “CONTAINS SEALED LEAD BATTERY.

1 BATTERY MUST BE RECYCLED OR DISPOSED OF  
2 PROPERLY.”

3 (C) On the packaging of each rechargeable consumer product,  
4 rechargeable battery, or battery pack, unless the specified label is  
5 clearly visible through the packaging: “CONTAINS  
6 NICKEL-CADMIUM BATTERY. BATTERY MUST BE  
7 RECYCLED OR DISPOSED OF PROPERLY.” OR “CONTAINS  
8 SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED  
9 OR DISPOSED OF PROPERLY.”

10 (4) The label and messages specified in paragraphs (1), (2), and  
11 (3) shall use contrasting colors to differentiate the label message  
12 and background to enhance readability.

13 (5) ~~No~~ A political subdivision of this state ~~may~~ *shall not* enact  
14 or enforce any environmental labeling requirement for a  
15 rechargeable battery or battery pack, or a rechargeable consumer  
16 product, that is not identical to the labeling requirements contained  
17 in this subdivision or ~~any~~ *the* regulations adopted by the ~~board~~  
18 *department* pursuant to this subdivision.

19 (c) The ~~board~~ ~~may~~ *department shall* adopt regulations that  
20 require substantially similar labeling requirements for rechargeable  
21 batteries with chemistries that are different from those covered by  
22 subdivision (a) and the battery packs and products containing those  
23 batteries. ~~Any~~ *The* regulations shall be adopted, amended, or  
24 repealed in accordance with Chapter 3.5 (commencing with Section  
25 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

26 (d) Any violation of this section is a misdemeanor.

27 SEC. 3. Section 15014 of the Public Resources Code is  
28 amended to read:

29 15014. (a) ~~Any~~ A manufacturer of, or ~~any~~ *a* manufacturer trade  
30 organization with respect to, ~~any~~ *a* rechargeable battery or  
31 rechargeable consumer product may submit an application to the  
32 ~~board~~ *department* for an exemption from the requirements of  
33 paragraph (1) of subdivision (a) of Section ~~51013~~ *15013* in  
34 accordance with the procedures prescribed in subdivision (b).  
35 Within 60 days of receipt of an application for an exemption, the  
36 ~~board~~ *department* shall either approve or deny the request. The  
37 exemption shall be issued for a period that is determined to be  
38 appropriate by the ~~board~~ *department*, but shall not exceed two  
39 years.

1 (b) The application for an exemption shall include both of the  
2 following:

3 (1) A statement of the specified basis for the exemption.

4 (2) The name, business address, and telephone number of the  
5 applicant.

6 (c) The ~~board~~ *department* shall grant the exemption if the ~~board~~  
7 *department* finds that the manufacturer has been unable to  
8 commence manufacture of the rechargeable consumer product in  
9 compliance with this chapter and with an equivalent level of  
10 product performance without causing either of the following:

11 (1) Danger to human health and safety or to the environment.

12 (2) Violation of requirements for approvals from governmental  
13 agencies or the Underwriters Laboratories or a similar widely  
14 recognized private standard-setting organization.

15 (d) The ~~board~~ *department* may, by regulation, establish an  
16 application fee in an amount sufficient to offset the cost of  
17 processing requests for exemptions.

18 (e) A manufacturer or manufacturer trade organization granted  
19 an exemption may apply for an extension of the exemption in  
20 accordance with the requirements and procedures in subdivisions  
21 (b) and (c). However, in considering an extension of any  
22 exemption, the ~~board~~ *department* shall evaluate whether other  
23 rechargeable consumer product manufacturers have developed  
24 technology or methods that permit access to the rechargeable  
25 battery in the same or similar type application. The ~~board~~  
26 *department* may grant up to three extensions of not more than two  
27 years each after the date of the original exemption.